

DATE: August 3, 2005

FILE REF: NR 135/NMAC

TO: Nonmetallic Mining Advisory Committee (NMAC)

FROM: Tom Portle

SUBJECT: Minutes of July 28, 2005 Nonmetallic Mining Advisory Committee Meeting

Following is a report on the main points from the meeting of the NR 135 Nonmetallic Mining Advisory Committee ["NMAC"], held on July 28, 2005, from 10-1 at the Wisconsin Highway Patrol District One Headquarters Building in DeForest, WI.

**NMAC members present:** Jim Burgener, Bruce Brown, Sue Courter, Mike Erickson, Ron Garrison, Ed Reesman, Bryce Richardson & Matt Stohr

**Sitting in for NMAC member:** None.

**NMAC members not present:** Gary Werner, Marty Lehman

**WDNR Staff Present:** Dan Graff, Phil Fauble, Deb Pingel, Larry Lynch and Tom Portle

**Others Present:** Matt Bremer, Sauk County, Pat Osborne, APW, Tom Walker, Wisconsin Transportation Builders Association

Main points of discussion, motions and any decisions or necessary "follow-up activities" are presented below:

(Agenda items in ► **bold**)

► **Welcome, Agenda Repair & House-keeping**

Minutes for NMAC meeting of January 27, 2005 approved.  
Go-Around, (saved for later)

► **Site Changed (Handout distributed). "Scheduled NR 135 Program Audits"**

NR 135 Web site now has a "button" to announce "Scheduled Audits" pursuant to discussions our last meeting. Please see the following link.

<http://dnr.wi.gov/org/aw/wm/mining/nonmetallic/audits.htm> This button was added as per discussions at our last meeting. The intent here is to create an opportunity to allow operators and the public to know in advance about scheduled Audits. This will provide the opportunity for additional input into the quality assurance process.

► **Scoping memo on revisions to NR 135 (handout)**

We now have the "green light" to move ahead with revisions to the Nonmetallic Mining Reclamation Rule - NR 135. The scoping memo was signed by DNR Secretary Hassett on July 22, 2005. The scoping memo was shared with the Nonmetallic Mining Advisory

Committee (NMAC) and the rule-making process was discussed in our regularly scheduled meeting on July 28, 2005.

Tom asked NMAC members to, as the code revision process begins, query the folks they represent to make sure we have a complete list of any recommendations that they may have. A reminder Email was sent out on July 29 requesting that any recommendations be provided to Tom Portle no later than September 1, 2005.

Some changes or revisions to NR 135 that were discussed were:

- Same deadline for fee submittal and submittal of annual report; fee collection timing item - less confusing & more efficient to collect fees based upon the previous calendar year - DNR portion of fees linked to and supported by their annual report data. The challenge will be - how to keep fees that RA programs are dependent on coming in during the year or so it would take to move from "paying in advance to paying after the mining occurs."
- **Hybrid FA-** lien plus flexible arrangement.

► **Legislative update** (Regular Scheduled item)

- Pat Osborne was asked if APW had any thoughts on possible pursuit of a **statewide risk pool** approach for financial assurance this session. Pat replied that for now, the issue seems headed toward a satisfactory outcome. (There have been meetings early this year with the surety industry, recent statutory changes and a revision of the FA part of NR 340 is in process.)

► **Input from partners and public (5 min. per person)**

This item was combined with NR 135 revision discussion.

- **Any other business** (as permitted by law - regular item)                      None for this meeting.

► **Input on NR 135 Program Implementation Issues needing attention**

This item was combined with NR 135 revision discussion.

- **Feedback**                      None for this meeting.

► **Next Meeting**

The NMAC decided to meet again in **3 months** – October 20, 2005 was suggested. All agreed that the next meeting should again be held in DeForest, WI.

**Partial List of Agenda Items for Next Meeting:**

- Discussion on draft of revisions to NR 135.

- **Adjourn** about 1 PM.